

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

**Robert Marberger,**

**Plaintiffs,**

**v.**

**Jeremy R. Nivens and DZYK  
Transportation Services, LLC,**

**Defendants.**

**Case No.: 3:22-02375-MGL**

**DEFENDANTS' MOTION FOR  
EXTENSION OF DEFENDANTS'  
EXPERT WITNESS DISCLOSURE  
DEADLINE AND DISCOVERY  
DEADLINE**

**COMES NOW THE DEFENDANTS**, DZYK Transportation Services, LLC (“DZYK”) and Jeremy Nivens, by and through their respective attorneys who hereby move the Court for an Order modifying the Defendants’ Expert Witness Disclosure deadline and the Discovery deadline, which are currently set December 2, 2024 and January 28, 2025, respectively. (*See* 4th Am. Sched. Order, Dkt. No. 53, at ¶ 2.) As detailed further below, the Defendants request that the Defendants’ Expert Witness Disclosure Deadline be moved to January 2, 2025, and the Discovery deadline be moved to February 28, 2025. This request would also entail a modification of the dispositive motions deadline, from February 12, 2025 to March 14, 2025. This Motion is made pursuant to Rule 6, FRCP and Rule 6.01 of the Local Rules, for good cause shown as described below.

**Good Cause Exists to Grant the Requested Modification**

1. Defendant DZYK has only been in the suit for a matter of weeks, and the prior scheduling orders were issued prior to DZYK’s Answer. DZYK avers that it needs more time to prepare its defense in this regard.

2. In the interests of efficiency, for the purposes of expert testimony Defendants DZYK and Nivens, though separately represented, are substantially aligned concerning their defense against Plaintiff's claims. Therefore, Defendants are coordinating concerning the joint retention of defense experts in the fields of accident reconstruction, medicine, and life care planning, in response to Plaintiff's Expert Witness Disclosure filed and served on October 22, 2024 (Dkt. No. 59). Defendants respectfully request additional time to complete this rather complex process.

Information Required by Local Rule 6.01

- (1) **The date of the current deadlines:** defense expert disclosure, December 2, 2024. Discovery, January 28, 2025.
- (2) **Whether the deadline has been previously extended:** Yes. The current scheduling order is the Fourth Amended Scheduling Order (Dkt. No. 53.)
- (3) **The number of additional days requested, as well as the proposed date of the new deadlines:** Defendants request an additional 30 days to disclose experts and an additional 30 days for discovery. The new deadlines would be January 2, 2025 and February 28, 2025, respectively.
- (4) **Whether the extension requested would affect other deadlines.** Yes. The current dispositive motions deadline is February 12, 2025. Since the requested new discovery deadline is February 28, 2025, Defendants believe it may be necessary to adjust the dispositive motions deadline accordingly, to March 14, 2025, as reflected in the proposed order submitted herewith. Defendants believe that all other deadlines would be unaffected.

Conclusion

Therefore, for good cause shown, Defendants respectfully request the Court extend the Defendants' Expert Disclosure deadline to January 2, 2025, the Discovery deadline to February 28, 2025, and the dispositive motions deadline to March 14, 2025. Defendants have asked Plaintiff for his consent, but at the time of this filing, Plaintiff's counsel has yet to respond. Since this Motion seeks to amend more than one deadline, a proposed amended scheduling order is attached hereto and is being submitted to the Court's ECF email address.

Respectfully submitted,

**MCANGUS GOUDELOCK & COURIE, LLC**

s/Adam Ribock

Adam Ribock, Fed. ID No. 12287

C. Guy Castles, IV, Fed. ID No. 14126

McAngus Goudelock & Courie, LLC

1320 Main Street, 10th Floor

Columbia, South Carolina 29201

Phone: (803) 227-2254

**ATTORNEYS FOR DZYK TRANSPORTATION SERVICES, LLC**

**SWEENY, WINGATE & BARROW, P.A.**

s/ Aaron J. Hayes

Mark S. Barrow Fed. I.D. No. 1220

Aaron J. Hayes Fed. I.D. No. 11196

Sweeny, Wingate & Barrow, P.A.

Post Office Box 12129

Columbia, SC 29211

(803) 256-2233

**ATTORNEYS FOR JEREMY NIVENS**

**LOCAL RULE 7.02 CERTIFICATE**

Pursuant to Local Rule 7.02, the undersigned counsel certify that they have consulted with all counsel of record prior to the filing of this Motion, but have yet to hear from Plaintiff's counsel.

s/ Adam Ribock

Adam Ribock, Attorney for Defendant  
DZYK Transportation Services, LLC

s/ Aaron Hayes

Aaron Hayes, Attorney for Defendant Jeremy  
Nivens